

**REMARKS**

Previously non-elected claims 5-7 and 9-22 are canceled. Claims 1-4, 8 and 23-29 are now pending in the Application. Claims 1 and 8 are herewith amended for increased grammatical quality. The amendments to claims 1 and 8 are non-narrowing, and merely clarify the obviously intended meaning of the claims as originally drafted. Claim 23 is amended to more clearly define the invention.

Claims 1, 8, 23 and 27 stand objected to as containing the word "adapted." Applicant respectfully submits that the term "adapted," as employed in the claims, is grammatically correct and conveys the intended meaning. The CCPA in In re Venezia held that the phrase "adapted to" properly imparts a structural limitation to a claim. In re Venezia 530 F.2d 956, 959; 189 U.S.P.Q. 149 (1976) ("Paragraph two of claim 31 calls for 'a pair of sleeves...each sleeve of said pair adapted to be fitted over the insulating jacket....' Rather than being a mere direction of activities to take place in the future, this language imparts a structural limitation to the sleeve," (emphasis added)). Accordingly, withdrawal of the pending objections to claims 1, 8, 23 and 27 is believed to be in order, and is respectfully solicited.

Claims 1-4, 8 and 23-26 stands rejected under 35 U.S.C. § 102 (a) as being anticipated by United States patent number 6,441,660 Ingino Jr. (Ingino). Applicant respectfully submits that Ingino does not anticipate, or render obvious, claims 1-4, 8 and 27, and that withdrawal of the pending rejections is therefore in order.

Claim 1 recites:

A charge pump circuit comprising: a first plurality of serially connected transistors of a first conductivity type; a second plurality of serially connected transistors of a second conductivity type; said first plurality of serially connected transistors being serially connected to the second plurality of

serially connected transistors; the interconnection of said first and second plurality of transistors providing an output, said output being adapted to be coupled to a load device; a gate of one of said first plurality of transistors being adapted to receive a  $\overline{\text{DOWN}}$  pulse signal, a gate of another one of said first plurality of transistors being adapted to receive a DC bias signal, a gate of one of said second plurality of transistors being adapted to receive an UP pulse signal, and a gate of another one of said second plurality of transistors being adapted to receive another DC bias signal; and a first node at the interconnection of transistors of said first plurality of transistors being adapted to receive a DOWN pulse signal and a second node at the interconnection of transistors of said second plurality of transistors being adapted to receive an  $\overline{\text{UP}}$  pulse signal. (Emphasis added).

The Ingino reference relates to a high-speed wide bandwidth phase locked loop. Ingino does not teach or suggest every element of the claimed invention.

The "all elements" rule requires that "a single reference must describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art." See e.g., In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). In order to prove that a claim is anticipated under 35 U.S.C. § 102 (b), [one] must present clear and convincing evidence that a single prior art reference discloses, expressing or inherently, each limitation of the claim. Brassica Protection Products LLC v. Sunrise Farms, 123 S. Ct. 1487 (2003).

The Office Action makes reference to figures 1 and 3 of Ingino in an attempt to support the proposition that claim 1 is anticipated by Ingino. However, figures 1 and 3 do not show " the interconnection of said first and second plurality of transistors providing an output, said output being adapted to be coupled to a load device " The Office Action argues by analogy that  $V_{\text{dummy}}$  is an "output adapted to be coupled to a

load device." This argument intrinsically acknowledges, however, that Ingino does not teach that  $V_{\text{dummy}}$  is an output adapted to be coupled load device.

Nor is there anything in Ingino to suggest that  $V_{\text{dummy}}$  acquires such a status by "inherency." Indeed, the express designation of  $V_{\text{ctrl}}$  as the output of the circuit ("the charge pump 18 provides an output voltage  $V_{\text{ctrl}}$ ." Column 3, line 13 and figures 3 and 5), in combination with the clearly un-connected status of the subject node, and its designation as "dummy" teaches directly away from the interpretation proposed by the Office Action. Accordingly, Ingino does not teach or suggest the invention of claim 1, and therefore does not anticipate claim 1 or render it obvious. It therefore follows that the rejection of claim 1 under 35 U.S.C. § 102 (e) over Ingino should be withdrawn.

Claims 2-4, 25 and 26 each depend directly from claim 1, and incorporate every limitation thereof. Accordingly, the rejection claims 2-4, 25 and 26 under 35 U.S.C. § 102 (e) over Ingino should be withdrawn for at least the same reasons given above in relation to claim 1.

As in the rejection of claim 1, the rejection of claim 8 under 35 U.S.C. § 102 (e) over Ingino relies on interpreting the node  $V_{\text{dummy}}$  as being, expressly or inherently, "an output, said output being adapted to be coupled to a load device." As discussed above in relation to claim 1, however, Ingino does not teach or suggest the proposed conclusion, but rather teaches directly away from it. Accordingly, Ingino does not anticipate claim 8 or render it obvious, and the rejection of claim 8 under 35 U.S.C. § 102 (e) over Ingino should be withdrawn.

Claim 23 recites a unique combination of limitations including "switching a first switching transistor... to affect an output at an output terminal, said output terminal being adapted to be coupled to a load device...biasing the switching characteristics of... first and second switching transistors with bias transistors respectively serially connected to said first and second switching transistors, said output terminal being connected between said bias

transistors." As is evident from the discussion above in relation to claim 1, Ingino does not teach or suggest an "output terminal... adapted to be coupled to a load device... first and second switching transistors with bias transistors respectively serially connected to said first and second switching transistors... said output terminal being connected between said bias transistors." Accordingly, Ingino does not anticipate claim 23, or render it obvious, and the rejection of claim 23 under 35 U.S.C. § 102 (e) over Ingino should be withdrawn.

Claim 24 depends directly from claim 23 and incorporates every limitation thereof. Accordingly, the rejection of claim 24 under 35 U.S.C. § 102 (e) over Ingino should be withdrawn for at least the reasons given above in relation to claim 23.

Claims 27-29 stand rejected under 35 U.S.C. § 103 (a) over Ingino in view of figure 1 of the application. With respect to claims 27, 28 and 29 the Office Action asserts that Ingino "discloses all of the claimed subject matter... except for the down pulse signal being received directly from a phase frequency detector." Claims 27-29, however, depend respectively from claims 1, 8 and 23. As demonstrated above, Ingino fails to teach or suggest every limitation of claims 1, 8 and 23 respectively. Therefore, Ingino does not anticipate or render obvious claims 27-29 and the rejections thereof under 35 U.S.C. § 103 (a) should be withdrawn.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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